

United State Department of Justice
Office of the U.S. Trustee
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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

In Re	§	
	§	
Ruth E. Williams	§	
2604 Arapaho Cove	§	
Denison, TX 75020	§	
	§	Case No. 17-40504
	§	
Debtor	§	Chapter 7
	§	

U.S. TRUSTEE'S UNOPPOSED MOTION TO DISMISS

14-DAY NEGATIVE NOTICE – LBR 1017(b):

Your rights may be affected by the relief sought in this pleading. You should read this pleading carefully and discuss it with your attorney, if you have one in this bankruptcy case. If you oppose the relief sought by this pleading, you must file a written objection, explaining the factual and/or legal basis for opposing the relief.

No hearing will be conducted on this Motion unless a written objection is filed with the Clerk of the United States Bankruptcy Court and served upon the party filing this pleading WITHIN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE shown in the certificate of service unless the Court shortens or extends the time for filing such objection. If no objection is timely served and filed, this pleading shall be deemed to be unopposed, and the Court may enter an order granting the relief sought. If an objection is filed and served in a timely manner, the Court will thereafter set a hearing with appropriate notice. If you fail to appear at the hearing, your objection may be stricken. The Court reserves the right to set a hearing on any matter.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE PRESIDING:

COMES NOW the United States Trustee (“U.S. Trustee”) and files this Unopposed Motion to Dismiss (“Motion”) in the above-styled and numbered case (“Case”), and in support thereof would show the Court as follows:

1. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1334, 157(a), and the standing order of reference. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). The predicate for the relief requested herein is Bankruptcy Code sections 727(a)(8) and 707(a).

2. On December 8, 2016, Ruth Williams (“Debtor”) filed a voluntary petition for relief under Chapter 13 of title 11. The Case was filed with Debtor’s then spouse, Terry Williams. The Case was “split” on March 7, 2017. At that time, Debtor was assigned the Case Number listed above. The Case was converted to Chapter 7 on May 30, 2019 Linda Payne been appointed the Chapter 7 Trustee for this estate.

3. The Debtor previously received a Chapter 7 discharge in a prior bankruptcy case filed in the Eastern District of Texas in Case No. 12-42460 (the “Old Case”) which was filed on September 6, 2012. The Old Case was closed as a no asset case. Debtor received a discharge in the Old Case under section 11 U.S.C. §727.

4. The Debtor is not eligible for a discharge in the current Case because she was granted a discharge in the Old Case, which was commenced within eight years of the filing of the pending Case. *See* 11 U.S.C. § 727(a)(8). In addition, this appears to be a “no-asset” case which would provide no return to unsecured creditors. These facts constitute cause for dismissal of this Case pursuant to section 707(a).

5. Counsel for Debtor has indicated that Debtor is unopposed to dismissal.

WHEREFORE the U.S. Trustee respectfully requests the Court to dismiss the Case.

Dated: April 19, 2018

Respectfully submitted,

William T. Neary
United States Trustee
Region 6

By: /s/ John Vardeman
Timothy W. O'Neal
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served on the entire matrix and the following listed persons through the courts electronic notification system as permitted by Appendix 5005 II. B. 2 to the Local Rules of the U.S. Bankruptcy Court for the Eastern District of Texas, or by first class United States Mail, postage prepaid, no later than the 14th day of June, 2019.

/s/ John Vardeman
John Vardeman

Debtors

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Denison, TX 75020

Debtors' Attorney

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Chapter 7 Trustee

Linda S Payne
Chapter 7 Bankruptcy Trustee
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